

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT E. SIMMONS,

Petitioner,

v.

SUPERINTENDENT NISH,

Respondent.

Case No. 3:10-CV-654
(Judge Kosik)

CLARIFICATION MEMORANDUM

AND NOW, this 28^m day of April, 2010, IT APPEARING TO THE COURT THAT:

(1) Petitioner, Robert E. Simmons, an inmate confined at the State Correctional Institution at Waymart, Pennsylvania, filed on March 25, 2010 a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1);

(2) Because Petitioner was challenging a conviction and sentence imposed by the Court of Common Pleas of Philadelphia County, this court adopted a Report and Recommendation of the Magistrate Judge recommending that the matter be transferred to the United States District Court for the Eastern District of Pennsylvania on April 22, 2010 (Docs. 4 & 5);

(3) No objections were filed to the Report and Recommendation;

(4) On April 19, 2010, Petitioner, apparently assuming that the Magistrate Judge's Report and Recommendation of March 30, 2010 had the effect of transferring the matter to the Eastern District of Pennsylvania, filed in the Eastern District of Pennsylvania, a "Motion to Amend Petition for Relief from Conviction/Sentence by a Person in State Custody, Pursuant to Title 28 U.S.C. § 2254" wherein he requests to amend his original Petition to add a Third Ground;

FILED
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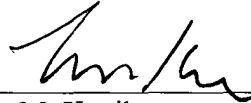
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(5) The Motion was forwarded to this court and received on April 23, 2010 (Doc. 6), following our transfer of the Petition to the Eastern District;

(6) Because Petitioner does not object to the transfer to the United States District Court for the Eastern District of Pennsylvania, our transfer Order of April 22, 2010 (Doc. 5) will stand. Presumably, the Motion will be addressed by the court in the Eastern District.



Edwin M. Kosik
United States District Judge